

REMARKS

In the above-identified Office Action all of the claims were rejected as being obvious in view of one or both of the cited Herman and Burt references. However, by this response each of the independent claims has been amended to stress the patentable distinctions over the prior art, wherefore all of the claims are now believed to be allowable.

In this regard, the preamble, for example, of Claim 1 states as follows:

“An image processing method in an image processing system that includes an image process apparatus which combines material images to generate a mosaic image in imitation of a original image”.

It is respectfully submitted that Applicants' method according to the above-quoted statement, is patentable over the prior art. However, the above-identified Office Action takes the position that such information, forming part of the preamble, is not given any weight. In response to that statement in the Office Action, Applicants have amended each of the independent claims to contain the following limitation,

“determining select material images and their positions such that the selected matter images have color information similar to the color information of respective blocks divided from the original images by said image processing apparatus”.

This added limitation in each of the amended claims is based on Applicants' third embodiment discussed in the specification, particularly at page 32, lines 1-9, and Applicants submit that these additions to the claims render such claims patentably distinct over the cited references.

In particular, the cited Herman patent discloses the generation of an image mosaic having a broader range by correlating source images having overlapping areas, and combining the source images so as to remove seams between combined source images (shown in Fig. 7). The technique disclosed in Herman can be applied to form, for example, a panoramic picture based upon pictures having a narrow angle of view. According to Herman, et al., the source images are selected on the basis of several factors, including contents, quality, and degree of overlap (see Column 6, line 66 to Column 7, line 67). Selection based on image content is normally done manually, while selection based on image quality may be done manually or automatically. An automatic selection process avoids images that are degraded, for example, due to motion blur or to poor exposure. A selection process based on degree of overlap depends, in part, on the computing resources. The degree of overlap is provided to the selection system by the alignment process, and the selected source images may be aligned automatically by various image processing methods that determine the warp parameters that provide a best match between neighboring images (Column 4 lines 44-67). In other words, the image forming system in the Herman patent combines pictures having different partial images of a subject, and the partial images to be combined (i.e., the source images) are selected manually or on the basis of image quality or degree of overlap.

Comparing Herman, et al. and the claimed invention it is seen that:

1. Applicants' claimed invention requires "an original image, while the Herman disclosure uses various partial source images; and
2. According to the disclosure of the cited Herman patent the source images are selected based on image content, quality, or degree of overlap. In contrast, the claimed invention determines selected material images and

their positions such that the selected material images have color information similar to the color information of respective blocks divided from the original image. Assuming that there is a material image having the similar color to a block of the original image, the material image can be selected by the claimed invention if the image is quite different from an entire original image or a part of the original image.

For these reasons, it is seen that the cited Herman patent fails to disclose the determination means/step of the claim invention.

The cited Burt patent discloses a method for forming a composite image from two or more source images. Therefore, the Burt patent also fails to disclose the determination means of the claimed invention.

For these various reasons it is believed that all of the amended independent claims, and their dependent claims, are in condition for the issuance of a Notice of Allowance.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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